

Remarks

Preliminary Remarks

Claims 1-23 are pending in the application. Claims 1, 5, 8, 11 and 18 are amended. Claims 21-24 are added. The issues in the application are as follows:

- Claims 1, 2, 3, 6, 11 and 18-20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by a U.S. Patent Application 5,914,676 to Akpa (hereinafter, "Akpa").

Claims 4 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Akpa.

- Claim 5 has been rejected under 35 U.S.C. § 103 as being unpatentable over Akpa in further view of U.S. Patent No. 5,007,008 to Beers (hereafter, "Beers").

- Claim 7 has been rejected under 35 U.S.C. § 103 as being unpatentable over Akpa in further view of U.S. Patent No. 5,790,652 to Gulley et al. (hereafter, "Gulley").

- Claim 8 has been rejected under 35 U.S.C. § 103 as being unpatentable over Akpa in further view of Japanese Patent No. JP11053,941 to Matsuda (hereafter, "Matsuda").

- Claim 10 has been rejected under 35 U.S.C. § 103 as being unpatentable over Akpa in further view of U.S. Patent No. 5,768,142 to Jacobs (hereafter, "Jacobs").

- Claim 12-16 have been rejected under 35 U.S.C. § 103 as being unpatentable over Akpa in further view of U.S. Patent No. 6,507,352 to Cohen (hereafter, "Cohen").

- Claim 17 has been rejected under 35 U.S.C. § 103 as being unpatentable over Akpa and Cohen in further view of Gulley.

- Claims 21-24 are added.

1 In response, Applicant hereby traverses the outstanding rejections and requests
2 reconsideration and withdrawal in light of the amendments and remarks contained
3 herein. Consideration of new claims 21-24 is respectfully requested.

4
5 Rejection of Claims under 35 U.S.C. § 102

6 Claims 1, 2, 3, 6, 11 and 18-20 have been rejected under 35 U.S.C. § 102(b) as
7 being anticipated by a U.S. Patent Application 5,914,676 to Akpa.

8 The Applicant respectfully disagrees that claims 1, 2, 3, 6, 11 and 18-20 are
9 anticipated by Akpa.

10 As a starting point, the PTO and the Federal Circuit provide that §102 anticipation
11 requires each and every element of the claimed invention to be disclosed in a single
12 prior art reference. (*In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990)).
13 The corollary of this rule is that the absence from a cited §102 reference of any claimed
14 element negates the anticipation. (*Kloster Speedsteel AB, et al v. Crucible, Inc., et al*,
15 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986)). Furthermore, "[a]nticipation requires
16 that all of the elements and limitations of the claims are found within a single prior art
17 reference." (*Scripps Clinic and Research Found. v Genetech. Inc.*, 927 F.2d 1565,
18 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991 (emphasis added))). Moreover, the
19 PTO and the Federal Circuit provide that §102 anticipation requires that there must be
20 no difference between the claimed invention and the reference disclosure. (*Scripps*
21 *Clinic and Research Found. v. Genetech, Inc.*, id. (emphasis added)).

22
23 Accordingly, if the Applicant can demonstrate that any one element or limitation in
24 claims 1, 2, 3, 6, 11 and 18-20 is not disclosed by Akpa, then the respective claim(s)
25 must be allowed.

In the following arguments, the Applicant will focus in particular on independent
claims 1, 11 and 18, as the Applicant believes those claims to be allowable over Akpa. It

1 is axiomatic that any dependent claim which depends from an allowable base claim is
2 also allowable, and therefore the Applicant does not believe it is necessary to present
3 arguments in favor of each and every dependent claim. The fact that Applicant has not
4 presented herein specific arguments in favor of the allowability of each and every
5 dependent claim which depends from arguably allowable independent claim is not to be
6 considered as an admission that the dependent claims are only allowable as a result of
7 their dependence on an allowable base claim, but rather as a matter of efficiency in
8 responding to the instant Office action. The Applicant makes no concession nor
9 admission that any dependent claim is allowable based solely on its dependence from
10 an allowable base claim.

11
12 Claim 1

13 The Applicant contends that independent claim 1, and rejected claims 2, 3, and 6
14 that depend therefrom, are not anticipated by Akpa. Claim 1 (as amended) recites:

15 A document processing apparatus comprising:

16 a display;

17 a plurality of user-accessible input points configured to generate
18 input point signals in response to being accessed by a user;

19 an electronic readable memory device comprising descriptions of
20 selected ones of the plurality of user-accessible input points in a plurality of
21 languages;

22 a processor configured to associate an input point signal from an
23 input point with a corresponding description of the input point in a
24 preselected one of the plurality of languages and to display the description
25 on the display for a preselected time; and

**an electronic timer in communication with the processor, the
electronic timer configured to determine time duration.**

(Emphasis added.)

1 Support for the amendment to claim 1 is provided in the specification at page 13,
2 lines 4-5; Fig. 3 (element 267) and original claims 5 and 8. The Office action first claims
3 that Akpa teaches "a display; a plurality of user-accessible input points configured to
4 generate input point signals in response to being accessed by a user; an electronic
5 readable memory device comprising descriptions of selected ones of the plurality of
6 user-accessible input points in a plurality of languages; and a processor configured to
7 associate an input point signal from an input point with a corresponding description of
8 the input point in a preselected one of the plurality of languages and to display the
9 description on the display." However, Akpa never discloses, teaches or suggests "an
10 electronic timer in communication with the processor, the electronic timer
11 configured to determine time duration" as is required by claim 1 (as amended). In
12 fact, the word "timer" does not occur anywhere in the disclosure of Akpa, and therefore it
13 is impossible for Akpa to anticipate claim 1 (as amended) since Akpa does not disclose
14 each and every element of the claimed invention.

15
16 For at least these reasons, the Applicant contends that Akpa does not anticipate
17 Applicant's claim 1.

18 The 35 U.S.C. § 102 rejection of claim 1 (as amended) is thus unsupported in
19 view of the requirements for such a rejection as described above. Thus, the Applicant
20 contends that claim 1 (as amended) is allowable. As claim 1 (as amended) is allowable,
21 claims 2-10 are allowable by virtue of their dependence upon an allowable base claim,
22 as well as their own respective merits.

23
24 (Continued on next page.)
25

1 Claim 11

2 The Applicant contends that independent claim 11, and rejected claims 12-17
3 that depend therefrom, are not anticipated by Akpa. Claim 11 (as amended) recites:

4
5 A method for displaying local language descriptions of a plurality of user
6 accessible input points of a document processing apparatus, comprising:

7 providing, on a machine readable medium and in the local language, a
8 plurality of descriptions of user input points corresponding to the plurality of
9 user accessible input points; and

10 in response to a user accessing an input point, determining a time
11 duration of an input signal for the input point the user is accessing,
12 accessing the local language description of the user input point which
13 corresponds to the user input point, and displaying to the user the local
14 language description of the user input point.

(Emphasis added)

15 Support for the amendment to claim 11 is provided in the specification at page
16 13, lines 4-5 and 7-13; Fig. 3 (element 267) and original claims 5, 8 and 13. The Office
17 action claims that Akpa anticipates and therefore discloses all of the limitations of claim
18 11. In fact, Akpa never discloses "determining a time duration of an input signal for the
19 input point the user is accessing", as is required by claim 11 (as amended). As
20 discussed above with reference to claim 1, the word "timer" does not occur anywhere in
21 the disclosure of Akpa, and therefore it is impossible for Akpa to anticipate claim 11 (as
22 amended) since Akpa never discloses a necessary element for "determining a time
23 duration of an input signal for the input point the user is accessing". Further, Akpa never
24 discloses or teaches any methods, and therefore cannot anticipate a method that
25 includes "determining a time duration of an input signal for the input point the user is
accessing" "in response to a user accessing an input point."

1 For at least these reasons, the Applicant contends that Akpa does not anticipate
2 Applicant's claim 11(as amended). The 35 U.S.C. § 102 rejection of claim 11 (as
3 amended) is thus unsupportable in view of the requirements for such a rejection as
4 described above. Thus, the Applicant contends that claim 11 is allowable. As claim 11
5 (as amended) is allowable, claims 12-17 are allowable by virtue of their dependence
6 upon an allowable base claim, as well as their own respective merits.

7
8 Claim 18

9 The Applicant contends that independent claim 18, and rejected claims 18-20
10 that depend therefrom, are not anticipated by Akpa. Claim 18 (as amended) recites:

11
12 A document processing apparatus comprising:

13 a display;

14 a plurality of user-accessible input points configured to generate
15 input point signals in response to being accessed by a user;

16 an electronic readable memory device comprising descriptions of
17 selected ones of the plurality of user-accessible input points in a local
18 language;

19 a processor configured to associate an input point signal from an
20 input point with a corresponding description of the input point in the local
21 language and to display the description on the display; and

22 **an electronic timer in communication with the processor, the**
23 **electronic timer configured to determine time duration.**

24 (Emphasis added)

25 Support for the amendment to claim 18 is provided in the specification at page
13, lines 4-5; Fig. 3 (element 267) and original claims 5 and 8. Claim 18 includes the
same limitations required of claim 1, and that are not disclosed by Akpa as discussed
above. Therefore, for at least the reasons described above with reference to Claim 1,

1 the Applicant contends that Akpa does not anticipate Applicant's claim 18. The 35
2 U.S.C. § 102 rejection of claim 18 is thus unsupportable in view of the requirements for
3 such a rejection as described above. Thus, the Applicant contends that claim 18 is
4 allowable. As claim 18 is allowable, claims 19-20 are allowable by virtue of their
5 dependence upon an allowable base claim, as well as their own respective merits.

6
7 Rejection of Claims under 35 U.S.C. § 103(a)

8 Claims 4 and 9 have been rejected under 35 U.S.C. § 103(a) as being
9 unpatentable over Akpa.

10 Claim 5 has been rejected under 35 U.S.C. § 103 as being unpatentable over
11 Akpa in further view of U.S. Patent No. 5,007,008 to Beers.

12 Claim 7 has been rejected under 35 U.S.C. § 103 as being unpatentable over
13 Akpa in further view of U.S. Patent No. 5,790,652 to Gulley.

14 Claim 8 has been rejected under 35 U.S.C. § 103 as being unpatentable over
15 Akpa in further view of Japanese Patent No. JP11053,941 to Matsuda.

16 Claim 10 has been rejected under 35 U.S.C. § 103 as being unpatentable over
17 Akpa in further view of U.S. Patent No. 5,768,142 to Jacobs.

18 Claim 12-16 have been rejected under 35 U.S.C. § 103 as being unpatentable
19 over Akpa in further view of U.S. Patent No. 6,507,352 to Cohen.

20 Claim 17 has been rejected under 35 U.S.C. § 103 as being unpatentable over
21 Akpa and Cohen in further view of Gulley.

22 The Applicant respectfully disagrees that claims 4-5, 7-10 and 12-17 are obvious
23 as respectively described above, for at least those reasons provided above in regard to
24 the axiomatic allowability of claims depending from respective allowable base claims 1
25 and 11 of the instant application. Applicant therefore contends that instant claims 4-5, 7-
10 and 12-17 are allowable as elaborated in part hereafter.

1 As a starting point, MPEP 706.02(j) states:

2 "[t]o establish a *prima facie* case of obviousness, three basic
3 criteria must be met. First, there must be some suggestion or motivation,
4 either in the cited references themselves or in the knowledge generally
5 available to one of ordinary skill in the art, to modify the reference or to
6 combine the reference teachings. Second, there must be a reasonable
7 expectation of success. Finally, the prior art reference (or references
8 when combined) **must teach or suggest all the claim limitations.** **The
9 teaching or suggestion to make the claimed combination and the
10 reasonable expectation of success must both be found in the prior art and
11 not based on applicant's disclosure.**" (Emphasis added.)

12
13 The Applicant respectfully submits that the rejection of Claims 4 and 9 is
14 improper. Claims 4 and 6 depend from claim 1. For the reasons stated above with
15 reference to claim 1, Akpa does not disclose, teach or even suggest all of the limitations
16 of claim 1. Therefore, Akpa does not render claims 4 and 9 obvious under 35 U.S.C. §
17 103(a).

18 The Applicant respectfully submits that the rejection of Claim 7 is improper.
19 Claim 7 depends from Claim 1. For the reasons stated above with reference to claim 1,
20 Akpa does not disclose, teach or even suggest the limitations of claim 1. Furthermore,
21 since Akpa teaches away from the limitations of claim 1 and therefore, Akpa cannot be
22 properly combined with Beers to reject claim 7 under 35 U.S.C. § 103(a).

23 The Applicant respectfully submits that the rejection of Claim 8 is improper.
24 Claim 8 depends from Claim 1. For the reasons stated above with reference to claim 1,
25 Akpa does not disclose, teach or even suggest the limitations of claim 1. Therefore,
Akpa cannot be properly combined with Matsuda to reject claim 8 under 35 U.S.C. §
103(a).

The Applicant respectfully submits that the rejection of Claim 10 is improper.
Claim 10 depends from claim 1. For the reasons stated above with reference to claim 1,
Akpa does not disclose, teach or even suggest the limitations of claim 1. Therefore,
Akpa cannot be properly combined with Jacobs to reject claim 10 under 35 U.S.C. §
103(a).

1 The Applicant respectfully submits that the rejection of Claim 12-16 are improper.
2 Claim 12-16 depend from claim 11. For the reasons stated above with reference to
3 claim 11, Akpa does not disclose, teach or even suggest the limitations of claim 11.
4 Therefore, Akpa cannot be properly combined with Cohen to reject claims 12-16 under
5 35 U.S.C. § 103(a).

6 The Applicant respectfully submits that the rejection of Claim 17 is improper. Claim 17
7 depends from claim 11. For the reasons stated above with reference to claim 11, Akpa
8 does not disclose, teach or even suggest the limitations of claim 11. , Therefore, Akpa
9 and Cohen cannot be properly combined with Gulley to reject claims 17 under 35 U.S.C.
10 § 103(a).

11
12 New claims 21-23

13 Claim 21 has been added incorporating the limitations of original independent
14 claim 1 and further including the limitations of dependent claims 3 and 4. Support for
15 new independent claim 21 is found in original claims 1, 3 and 4. No new matter has
16 been added.

17 Applicant submits that newly added independent claim 21 is also directed toward
18 subject matter that is not taught in the prior art of record. As stated above, independent
19 claim 21 has been added incorporating the limitations of independent claim 1 as well as
20 dependent claims 3 and 4. Dependent claim 4 was rejected under 35 U.S.C. § 103(a)
21 as being unpatentable over Akpa. The Office action claims that Akpa teaches all the
22 limitation of claim 3. The office action then admits that "Akpa does not specifically teach
23 an apparatus further comprising an access connection in communication with the
24 processor, the access connection configured to receive signals from an external access
25 device to thereby store the memory address locations of the preselected language in the
separate description memory address location, and wherein the external access device

1 does not comprise part of the document processing apparatus, and further wherein the
2 memory address locations of the preselected language can only be stored in the
3 separate description memory address location by the external access device.” (Office
4 action at page 6, lines 20-36.) The office action then gives Official notice “that it is well
5 known in the art to add an external access device (such as a keyboard) to an apparatus,
6 and that “it would have been obvious to one of ordinary skill in the art at the time of the
7 invention to modify Akpa and add an external access device with the motivation to
8 provide the user with an easier way of selecting the language they want to display.”
9 (Office action at page 7, lines 10-18.) In fact, there is no suggestion or motivation to
10 combine an external access device with the teaching of Akpa other than the teaching
11 provided by the Applicant.

12 The Office action has failed to support this rejection, instead merely repeating
13 Applicant’s claim language, which is based on applicants’ teachings, and then
14 contending that these claims are obvious. Such broad conclusory statements, standing
15 alone, are not evidence of obviousness. (In re Dembiczak, 175 F.3d 994, 999, 50
16 USPQ2d 1614, 1617 (Fed. Cir. 1999)). Applicant thus challenges this unsupported
17 statement, and specifically request that any claim rejections based on this statement be
18 withdrawn, or submit that a reference or references in support must be provided,
19 including a motivation to combine such a reference with an external access device in a
20 manner that would reach the claimed subject matter. (See M.P.E.P. § 2144.03.)

22 Claim 22 has been added incorporating the limitations of original independent
23 claim 1 and further including the limitations of dependent claim 6. Support for new
24 independent claim 22 is found in original claims 1 and 6. Claim 23 has also been added,
25 which is identical to original claim 7 (which depended from claim 6), but which now
depends from new claim 22. No new matter has been added.

1 Applicant submits that newly added independent claim 22 is also directed toward
2 subject matter that is not disclosed or suggested in the prior art of record. As stated
3 above, independent claim 22 has been added incorporating the limitations of
4 independent claim 1 as well as dependent claim 6. Dependent claim 6 was rejected
5 under 35 U.S.C. § 102(b) as being anticipated by Akpa. The Office action claims that
6 Akpa teaches (col. 2, line 67 to col. 3, line 9) "an apparatus wherein one of the selected
7 ones of the user input points comprises a user assist input point, and wherein the
8 corresponding description of the user assist input point in the preselected language is a
9 message informing the user how to access descriptions of the remaining selected ones
10 of the plurality of user-accessible input points." (Office action at page 4 lines 16-24.)
11 However, despite the Office actions assertions, there is no disclosure anywhere in Akpa
12 of "a message informing the user how to access descriptions of the remaining selected
13 ones of the plurality of user-accessible input points", as is required by claim 22.

14
15 Akpa never discloses, teaches or suggests that "the corresponding description of
16 the user assist input point in the preselected language is a message informing the user
17 how to access descriptions of the remaining selected ones of the plurality of user-
18 accessible input points", as is required by claim 22. In fact, the words "message"
19 "informing" or "access" do not occur anywhere in the disclosure of Akpa, and therefore it
20 is impossible for Akpa to anticipate claim 1 (as amended) since Akpa does not disclose
21 every limitation of the claimed invention.

22 For at least these reasons, the Applicant contends that Akpa does not anticipate
23 Applicant's claim 22. A 35 U.S.C. § 102 rejection of claim 22 is thus unsupportable in
24 view of the requirements for such a rejection as described above. Thus, the Applicant
25 contends that claims 22 and 23 are allowable.

Claim 24 has been added incorporating the limitations of original independent
claim 1 and further including the limitations of dependent claim 9. Support for new

1 independent claim 24 is found in original claims 1 and 9. No new matter has been
2 added.

3 Applicant submits that newly added independent claim 24 is also directed toward
4 subject matter that is not taught in the prior art of record. As stated above, independent
5 claim 24 has been added incorporating the limitations of independent claim 1 as well as
6 dependent claim 9. Dependent claim 9 was rejected under 35 U.S.C. § 103(a) as being
7 unpatentable over Akpa. The Office action claims that Akpa teaches all the limitation of
8 claim 1. The office action then admits that "Akpa does not specifically teach an
9 apparatus an access connection in communication with the processor, the access
10 connection configured to receive signals from an external access device to thereby
11 determine the preselected language." (Office action at page 7, lines 20-26.) The Office
12 action then gives Official notice "that it is well known in the art to add an external access
13 device (such as a keyboard) to an apparatus, and that "it would have been obvious to
14 one of ordinary skill in the art at the time of the invention to modify Akpa and add an
15 external access device with the motivation to provide the user with an easier way of
16 selecting the language they want to display." (Office action at page 7 line 44 to page 8
17 line 10.) In fact, there is no suggestion or motivation to combine an external access
18 device with the teaching of Akpa other than the teaching provided by the Applicant.
19

20 The Office action has failed to support this rejection, instead merely repeating
21 Applicant's claim language, which is based on Applicant's teachings, and then
22 contending that these claims are obvious. Such broad conclusory statements, standing
23 alone, are not evidence of obviousness. (In re Dembiczak, 175 F.3d 994, 999, 50
24 USPQ2d 1614, 1617 (Fed. Cir. 1999)). Applicant thus challenges this unsupported
25 statement, and specifically request that any claim rejections based on this statement be
withdrawn, or submit that a reference or references in support must be provided,

1 including a motivation to combine such a reference with an external access device in a
2 manner that would reach the claimed subject matter. (See M.P.E.P. § 2144.03.)
3

4 Fees for Additional Claims

5 The fee for one (1) additional total claim, and three (3) additional independent
6 claims, is to be charged to Applicant's deposit account, as indicated on the attached
7 transmittal cover sheet.
8

9 Time For Filing Response

10 Since the shortened statutory period for filing this Response falls on Saturday,
11 October 9, 2004, and Monday, October 11 is a Federal Holiday, the period for response
12 is extended to Tuesday, October 12, 2004, per 37 C.F.R. § 1.7(a).
13

14 Summary

15 The Applicant believes that this response constitutes a full and complete
16 response to the Office action, and therefore requests timely allowance of claims 1
17 through 20.

18 The Examiner is respectfully requested to contact the below-signed
19 representative if the Examiner believes this will facilitate prosecution toward allowance of
20 the claims.
21

22 Respectfully submitted,

23 William L. Cornelius

24 Date: October 9, 2004

25 By

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